

4.2.2 Socialist thought on law and justice:

India through its constitution adopts the policy of 'Welfare State'. The concept Welfare State means the welfare of the citizens, should be above all goals. The preamble of the constitution, assures to its citizen— social, economic and political justice; with equality of the status and of opportunity.

➤ **Socialism:**

According to *Cambridge Dictionary*, socialism means the set of beliefs, which states that people are equal and should share equally in the wealth of the country, or the political systems based on these beliefs. Thus one can understand that Socialism is a political theory or system, in which the means of production and distribution are controlled by the people and operated according to equity and fairness rather than market principles. The principal of socialism is that, the social states should strive for, right to equality, equal wages for equal works, minimum wages, right to free and compulsory education, right to property, etc.

➤ **Socialist Nation:**

Socialist nation means the policies of a country influenced with socialist thoughts. The term 'socialist' has been inserted in the preamble of Constitution by 42nd Amendment Act, 1976. This Amendment has merely explained the concept, which was already embedded in constitution. The word 'socialism' is used generally in democratic as well as socialistic constitutions. 'Socialist' means in general some form of ownership of the means of production and distribution by the State. The degree of State control will determine whether it is a democratic State or socialistic State. India has chosen, however, its own brand of socialism, i.e., mixed economy.

The word "socialist" implies a system of Government in which the means are wholly or partly controlled by the State. India's socialism is not a communist socialism but it is er a democratic one. The preamble has embodied both, socialism and democracy. This is a unique combination and the combination has been criticised by many writers. It has been said that democracy and socialism cannot co-exist. However, this criticism is not justified. In the view of modern socialist thinker, India emerging as a '*Welfare State*', would prevent the excess of exploitation and allow free competition without destroying individual initiative and without detriment to the political freedoms.

The Hon. Supreme Court in *Excel Wear's* case held that the addition of word 'socialist' might enable the courts to lean more in favour of nationalisation and State ownership of an industry. But so long as private ownership of industries is recognized and governs an overwhelming large proportion of our economic structure, the principle of socialism and social justice cannot be pushed to such an extent so as to ignore completely, or to a very large extent, the interest of another section of the public; namely, the private owners of undertaking.

The Hon'ble Supreme Court, in *D.S. Nakara 's* case held that "...the principal aim of a socialist State is to eliminate inequality in income and status and a decent standard of life". Court further observed that "...the basic framework of socialism is to provide a decent standard of life to the working people and especially provide security from cradle to grave. This amongst others on economic side envisaged economic equality and equitable distribution of income. This is a blend of Marxism and Gandhism leaning heavily towards Gandhism socialism. This is the type of socialism which we wish to establish in our county"

The Constitution of India declares India to be a socialist, republic as well as a secularcum-sovereign democratic republic. The preamble of a Constitution enlightens the path to which is to be follow by the State to set-up a sovereign, socialist, secular, democratic entity. Although, the concept of "socialism" has not been defined in the Constitution of India, it is commonly understood to mean "from each according to his ability to each according need". (Malik and Raval). After the induction of the word "socialism" under the preamble of the Constitution (42nd Amendment), the State has aimed to eliminate inequality in life of people with the object of providing decent standards of life.